



City of Memphis

Alcohol Commission Minutes

October 19, 2016

- I. Call to Order** – The regularly scheduled meeting of the Alcohol Commission was called to order at approximately 9:12 a.m. by Sergeant-At-Arms Officer Gerald Lake.
- II. Roll Call** – The following Commissioners were present: Billy Post, Renee Poe, Johnsie Wallace, Sherman Greer, Jared Johnson, Wayne West and Lee Jackson. The following Commissioners were not present: Erma Hayslett, Barry Chase and Steven Reid.
- III. Approval of the minutes from the previous meeting** – The minutes from the previous meeting were distributed electronically prior to the meeting. *Commissioner West moved to approve the minutes from the October 5, 2016 meeting. Commissioner Johnson seconded. The motion passed.*
- IV. Special Beer Applicant(s):**
1. Holly Guthrie – 1930 Poplar Ave. – **“Holiday Bazaar Preview Party”**
Date(s): **November 18-19, 2016**
Time: **5:00 p.m. – 10:00 p.m. (11/18/16), 10:00 a.m. – 5:00 p.m. (11/19/16)**
Sponsoring Organization: **Memphis College of Art**
Purpose of funds: **Charitable; 1 booth(s)**
Upon routine questioning by the Commissioners about the alcoholic beverage laws, Commissioner Johnson moved approval. Commissioner West seconded. The motion passed.
 2. Shayne Rachels – The Gallery, 1819 Madison Ave. – **“The Mystic Krewe of Pegasus Halloween Party”**
Date(s): **October 28, 2016**
Time: **8:00 p.m. – 1:00 a.m.**
Sponsoring Organization: **The Mystic Krewe of Pegasus Memphis**
Purpose of funds: **Charitable; 1 booth(s)**
Upon routine questioning by the Commissioners about the alcoholic beverage laws, Commissioner Johnson moved approval. Commissioner Greer seconded. The motion passed.
 3. Jo Anne Fusco – Overton Square Courtyard – **“5th Chili Cook-Off”**
Date(s): **November 5, 2016**
Time: **10:00 a.m. – 6:00 p.m.**
Sponsoring Organization: **Exceptional Foundation of West TN**
Purpose of funds: **Charitable; 30 booth(s)**
Upon routine questioning by the Commissioners about the alcoholic beverage laws, Commissioner Johnson moved approval. Commissioner West seconded. The motion passed.

4. Ryan Watt – 51 S. Cooper St. (Circuit Playhouse) – **“Indie Memphis Film Festival”**
Date(s): **November 4-6, 2016**
Time: **3:00 p.m. – 11:00 p.m.**
Sponsoring Organization: **Indie Memphis**
Purpose of funds: **Profit; 1 booth(s)**
*Upon routine questioning by the Commissioners about the alcoholic beverage laws,
Commissioner Johnson moved approval. Commissioner Greer seconded. The motion passed.*
5. Ryan Watt – 2098 Lasalle Pl. (Deli on the Square) – **“Indie Memphis Film Festival”**
Date(s): **November 4-6, 2016**
Time(s): **3:00 p.m. – 11:00 p.m.**
Sponsoring Organization: **Indie Memphis**
Purpose of funds: **Profit; 1 booth(s)**
*Upon routine questioning by the Commissioners about the alcoholic beverage laws,
Commissioner Johnson moved approval. Commissioner Greer seconded. The motion passed.*
6. Carolyn Peevey – 31 S. Florence – **“The Take Over”**
Date(s): **October 29, 2016** – Rain Date: **November 5, 2016**
Time: **3:00 p.m. – 3:00 a.m.**
Sponsoring Organization: **Side Street Grill**
Purpose of funds: **Profit; 2 booth(s)**
*Upon routine questioning by the Commissioners about the alcoholic beverage laws,
Commissioner Johnson moved approval. Commissioner West seconded. The motion passed.*
7. Katie McWeeney – Broad Ave. between Hollywood & Scott – **“Fall Art Walk”**
Date(s): **November 4, 2016**
Time: **5:00 p.m. – 10:00 p.m.**
Sponsoring Organization: **Broad Avenue Arts Alliance**
Purpose of funds: **Charitable; 4 booth(s)**
*Upon routine questioning by the Commissioners about the alcoholic beverage laws,
Commissioner Johnson moved approval. Commissioner Greer seconded. The motion passed.*
8. Jatin Kumar – 179 Madison Ave. – Suna Winchester, LLC – dba – **“Hotel Napoleon Restaurant”**
Date(s): **October 20, 2016 - November 19, 2016**
Time: **12:00 p.m. – 1:00 a.m.**
Sponsoring Organization: **Suna Winchester, LLC**
Purpose of funds: **Profit; 1 booth(s)**
*Upon routine questioning by the Commissioners about the alcoholic beverage laws,
Commissioner Johnson moved approval. Commissioner Greer seconded. The motion passed.*
9. Tommie Henderson – 60 N. Main St. – **“Fall Fest”**
Date(s): **October 20, 2016 - November 16, 2016**
Time: **11:00 a.m. – 11:00 p.m.**
Sponsoring Organization: **Single Master Academic Readiness Teacher Schools, Inc.**
Purpose of funds: **Charitable; 1 booth(s)**
*Upon routine questioning by the Commissioners about the alcoholic beverage laws,
Commissioner Johnson moved approval. Commissioner Greer seconded. The motion passed.*

10. Shadonna Perry – 4010 Jackson Ave. – “**National Rodeo**”
Date(s): **October 28, 2016 - November 27, 2016**
Time: **12:00 p.m. – 2:00 a.m.**
Sponsoring Organization: **For the People by the People**
Purpose of funds: **Charitable & Profit; 2 booth(s)**
Upon routine questioning by the Commissioners about the alcoholic beverage laws, Commissioner Johnson moved approval. Commissioner Greer seconded. The motion passed.

V. Special Hearing:

The following location(s) is in violation of A C Rule C-15, C-17:

11. Torrocco Jeffries – 8014 Club Center Drive, Ste. 1 – “**Mug Shots Sports Bar**”
Mr. James Davis, the new general manager of Mug Shots Sports Bar, came before the alcohol commission to present his plans to the board to rectify the noise problem with the neighboring apartment complex. Mr. Davis told the board that he would first turn down the music. Secondly, he told the board that he has two companies coming in on October 31st and on November 2nd to try to sound proof the building. Ms. Alvarado, the property manager of the apartment complex, Ms. Bridget Wood, a resident, and the attorney of the apartment complex, informed the board that the noise hasn’t changed. Ms. Alvarado told the board that the apartment complex is losing money because she has had to move one tenant to a larger apartment for less rent and has also been forced to let some residents break their leases because of the noise disturbance. Mr. Davis told the board that he was willing to use their document that was given to him at the meeting as a guide to rectify the noise problem but he would still continue with his own study. *Upon questioning by the Commissioners concerning the nuisance complaint and ways to resolve the issue, Commissioner Greer moved to continue this item to the November 16, 2016 alcohol commission meeting to allow the new manager of Mug Shots Sports Bar to sound proof the building so that this issue may be resolved. Commissioner Poe seconded. The motion passed.*

VI. Violation(s):

The following location(s) is in violation of A C Rule C-5 **WITH priors:**

12. Rahel Haile – 4147 S. Third St. – dba – “**Third Street Market**” – Citation #74995
Date of Violation: Friday, July 29, 2016
Date Permit Approved: 11-18-2009
Prior Violation(s): 05-25-2015 (C-5, D-4), 02-09-2016 (C-5, D-4)
Officer(s): Smith #8636, Stepney #1348, E. Caldwell #0898
The owner and Attorney Lenal Anderson stipulated to the charge. Commissioner West motioned to fine the location \$2,500 with a 60 day probation or 30 day suspension. Commissioner Jackson seconded. The motion died because the rest of the commissioners weren’t in favor of the motion. There was a roll call 3 to 3. The motion died due to a tie. *Commissioner Greer moved to fine the location \$2,250.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Poe seconded. The motion passed.* The owner agreed to the fine and probation.

13. Baldev Singh & Jasuir Singh – 3330 N. Thomas – KSP Food Mart, LLC - dba – “Shell” – **Citation #780621**
Date of Violation: Friday, September 2, 2016
Date Permit Approved: 05-02-2007
Prior Violation(s): 03-20-2014 (C-4), 04-18-2014 (C-5) – Heard together
Officer(s): Johnson #10600, Galison #3156, Rogers #1854
The owner stipulated to the charge. *Commissioner West moved to fine the location \$1,000.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Wallace seconded. The motion passed.* The owner agreed to the fine and probation.
14. Heldallah Musleh – 4315 S. Third St. – dba – “Western Food Market” – **Citation #780828**
Date of Violation: Friday, July 29, 2016
Date Permit Approved: 04-17-2013
Prior Violation(s): 12-23-2013 (C-5, D-4)
Officer(s): Richardson #1326, Ward #0502, Morris #5665
The owner and Attorney Curry stipulated to the charge. *Commissioner West moved to fine the location \$750.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Greer seconded. The motion passed.* The owner agreed to the fine and probation.
15. Mapco Express, Inc. – 5009 Park Ave. - dba – “Mapco Express #3283” – **Citation #780826**
Date of Violation: Wednesday, July 20, 2016
Date Permit Approved: 07-18-2001
Prior Violation(s): 06-17-2015 (C-5)
Officer(s): Richardson #1326, Ward #0502, Galison #3156
The district manager and Attorney McCauley Williams stipulated to the charge. *Commissioner West moved to fine the location \$750.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Greer seconded. The motion passed.* The district manager agreed to the fine and probation.
16. Samuel Banga – 3241 S. Third St. - dba – “Corner Food Market” – **Citation #739314**
Date of Violation: Friday, July 29, 2016
Date Permit Approved: 10-02-2013
Prior Violation(s): 08-22-2014 (C-4)
Officer(s): Stepney #1348, Smith #8636, E. Caldwell #0898
The owner stipulated to the charge. *Commissioner West moved to fine the location \$750.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Greer seconded. The motion passed.* The owner agreed to the fine and probation.

The following location(s) is in violation of A C Rule C-4, C-5, D-4 WITH priors:

17. Samir Al-Shami – 1670 Kansas St. – dba – “Brother’s Grocery” – **Citation #780629 & #C-335031**
Date of Violation: Friday, July 15, 2016
Date Permit Approved: 02-17-2010
Prior Violation(s): 05-25-2013 (D-4), 06-25-2014 (C-4, C-5)
Officer(s): Richardson #1326, Ward #0502, Galison #3156
The owner stipulated to the charges. *Commissioner West moved to fine the location \$1,300.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Greer seconded. The motion passed.* The owner agreed to the fine and probation.

18. Usman Mohamed – 4251 Winchester Rd. – King Xpress, Inc. – dba – “King Xpress” –
Citation #780673 & #C-335609
Date of Violation: Friday, July 22, 2016
Date Permit Approved: 02-03-2016
Prior Violation(s): 05-27-2016 (C-5)
Officer(s): Richardson #1326, Ward #0502, Galison #3156
The owner stipulated to the charges. *Commissioner West moved to fine the location \$950.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Greer seconded. The motion passed.* The owner agreed to the fine and probation.

The following location(s) is in violation of A C Rule C-5, D-4 WITH priors:

19. Muazzam Khan & Yasin Zada – 2032 Chelsea Ave. – Zoomy Enterprise, Inc. - dba –
“Chelsea Express” – **Citation #753668**
Date of Violation: Friday, September 2, 2016
Date Permit Approved: 07-07-2014
Prior Violation(s): 08-08-2015 (C-5)
Officer(s): Richardson #1326, Ward #0502, Beasley #11373
The owner stipulated to the charges. *Commissioner West moved to fine the location \$750.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Greer seconded. The motion passed.* The owner agreed to the fine and probation.

The following location(s) is in violation of A C Rule C-4, C-5 WITH priors:

20. Messeret Terzneh – 2196 S. Third St. – TJ Express, Inc. - dba – “3rd St. Mini Mart” –
Citation #739310 & OS-370617
Date of Violation: Friday, July 15, 2016
Date Permit Approved: 06-17-2015
Prior Violation(s): 05-25-2015 (C-1)
Officer(s): Stepney #1348, Smith #8636, Morris #5665
The owner stipulated to the charges. *Commissioner West moved to fine the location \$950.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Greer seconded. The motion passed.* The owner agreed to the fine and probation.

The following location(s) is in violation of A C Rule C-4, C-5 WITH priors:

21. Mengesteab Gebregziabher & Helen Kassaye – 2230 Chelsea Ave. – dba – “Lion Market” –
Citation #C-335050
Date of Violation: Friday, September 2, 2016
Date Permit Approved: 03-21-2012
Prior Violation(s): 04-06-2013 (D-4), 06-28-2013 (C-4) – Heard together
Officer(s): Ward #0502, Beasley #11373
The owner stipulated to the charge. *Commissioner West moved to fine the location \$300.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Wallace seconded. The motion passed.* The owner agreed to the fine and probation.

22. Anthony & Sonia Warr – 973 E. McLemore – A Come Back From A Set Back, LLC – dba – **“Tyler’s Grocery and Deli” – Citation #C-335036**
Date of Violation: Friday, July 15, 2016
Date Permit Approved: 04-18-2012
Prior Violation(s): 08-15-2013 (C-5)
Officer(s): Ward #0502, Galison #3156
The owner stipulated to the charge. *Commissioner West moved to fine the location \$200.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Greer seconded. The motion passed.* The owner agreed to the fine and probation.

The following location(s) is in violation of A C Rule C-4, C-5 WITH priors:

23. Yasser Alnajjar – 3215 Jackson Ave. – Algaile, Inc. – dba – **“Y & F Mini Mart” – Citation #780638**
Date of Violation: Thursday, July 7, 2016
Date Permit Approved: 05-16-2007
Officer(s): Richardson #1326, Ward #0502, Galison #3156
The owner and Attorney Curry stipulated to the charge. *Commissioner West moved to fine the location \$500.00 along with a 60 day probation or a 30 day suspension of their beer permit. Commissioner Greer seconded. The motion passed.* The owner agreed to the fine and probation.
24. Ali Shams – 4830 Poplar Ave. – Mid-South Food & Fuel, LLC – dba – **“Mid-South Food & Fuel” – Citation #780674**
Date of Violation: Tuesday, August 2, 2016
Date Permit Approved: 11-07-2007
Officer(s): Ward #0502, Galison #3156, Scott #11510
The owner requested to be continued until the November 2, 2016 alcohol commission meeting. *Commissioner West moved to continue this location to the November 2, 2016 alcohol commission meeting. Commissioner Greer seconded. The motion passed.*

VII. The following person(s) has applied to sell beer for “ON” premise consumption:

25. Lutfi Ghansar – 3896 Lamar Ave. – ALG, LLC – dba – **“360 Sports Bar & Grill”**
Upon routine questioning by the Commissioners about the alcoholic beverage laws, *Commissioner Greer moved to approve the beer permit application. Commissioner West seconded. The motion passed.*
26. Lucius Jordan, III – 6450 Poplar Ave., Ste. 123 – Holiday Crown Center, LLC – dba – **“Pimentos Kitchen & Market”**
Upon routine questioning by the Commissioners about the alcoholic beverage laws, *Commissioner Greer moved to approve the beer permit application. Commissioner West seconded. The motion passed.*

VII. The following person(s) has applied to sell beer for “OFF” premise consumption:

27. Rozina Bhamani & Muhammad Bhamani – 314-322 N. Cleveland – 5 Star Food & Fuel, Inc. - dba – **“One N All 4”**
Upon routine questioning by the Commissioners about the alcoholic beverage laws, *Commissioner Greer moved to approve the beer permit application. Commissioner West seconded. The motion passed.*

28. Rami Habhab – 2380 Frayser Blvd. – dba – **“EZ Shop & Gas”**

Upon routine questioning by the Commissioners about the alcoholic beverage laws, ***Commissioner Greer moved to approve the beer permit application. Commissioner Poe seconded. The motion passed.***

29. Courtland Perry – 1759 Union Ave. – Kroger Limited Partnership I – dba – **“Kroger #402”**

Upon routine questioning by the Commissioners about the alcoholic beverage laws, ***Commissioner Greer moved to change the off premise beer permit to an off premise beer tasting permit. Commissioner West seconded. Commissioner Greer moved to approve the off premise beer tasting permit. Commissioner West seconded. The motion passed.***

VIII.

Mapco Locations for “OFF” premise consumption:

1. 3703 Jackson Ave. – Mapco Express #3174
2. 1781 Kirby Parkway – Mapco Express #3280
3. 3333 Thomas St. – Mapco Express #3245
4. 2120 Frayser Blvd. – Mapco Express #3246
5. 3161 S. Third St. – Mapco Express #3148
6. 272 S. Danny Thomas – Mapco Express #3143
7. 6193 Mt. Moriah Blvd. – Mapco Express #3150
8. 2100 Sycamore View – Mapco Express #3292
9. 4000 Raleigh Millington – Mapco Express #3251
10. 5325 Summer Ave. – Mapco Express #3144
11. 3278 Summer Ave. – Mapco Express #3262
12. 459 E. H. Crump Ave. – Mapco Express #3164
13. 2454 Elvis Presley Blvd. – Mapco Express #3165
14. 2767 Mt. Moriah – Mapco Express #3282
15. 1691 Poplar Ave. – Mapco Express #7449
16. 5009 Park Ave. – Mapco Express #3283
17. 2214 Whitten Rd. – Mapco Express #3295
18. 4311 New Allen Rd. – Mapco Express #3252
19. 1505 E. Brooks Rd. – Mapco Express #3269
20. 979 E. Brooks Rd. – Mapco Express #3159
21. 1723 Jackson Ave. – Mapco Express #3056
22. 2185 Winchester Rd. – Mapco Express #3271
23. 6215 Macon Rd. – Mapco Express #3291
24. 3271 E. Shelby Dr. – Mapco Express #3276
25. 2142 Central Ave. – Mapco Express #3261
26. 298 E. Mallory – Mapco Express #3138
27. 6566 Winchester Rd. – Mapco Express #3288

Upon routine questioning by the Commissioners about the alcoholic beverage laws, ***Commissioner Greer moved to approve the beer permit applications. Commissioner West seconded. The motion passed. Commissioner West wanted to know if the Mapco locations’ prior violations will transfer to the new location since the management is still the same. Attorney Waring told the board that he will look into the State law.***

IX. New Business:

X. Old Business:

XI. Adjournment – There being no further business to come before the Alcohol Commission, *Commissioner West moved for adjournment at approximately 11:27 a.m. Commissioner Greer seconded. The motion passed.*

- C-4: Only authorized personnel, meeting requirements of TCA 57-5-301(a)(1), shall be left in charge of a beer establishment or to sell or serve beer to customers. The Memphis Alcohol Commission issues proof of compliance in the form of beer vendor cards available through the City Permits Office for a cost of \$21.00.
- C-5: No beer shall be sold or served to such persons under legal age. A person must be 21 years of age to buy, consume or possess beer. The burden of ascertaining the correct age of minor customers shall be upon the owner, operator and employees of the business.
- C-15: Licensee shall not be in violation of any ordinance of the City, statutes of the State or Federal law.
- C-17: Licensee shall not permit the noise, sound or vibration generated or transmitted by any jukebox, band vocalist or sound equipment to be audible to persons on any public, street, highway or upon any adjoining residential or commercial premises to the extent that it is detrimental.
- D-4: Proof of legal age is required of all customers before any alcoholic beverages are served or sold to such persons.

Billy Post, Chairman

Date

Aubrey J. Howard, Executive Secretary

Date